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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Board of Supervisors

MEETING DATE July 16, 2013	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Woodland Trust	FILE NO. AGP2012-00011
SUBJECT A proposal by Woodland Trust to alter the boundaries of an agricultural preserve and rescind and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. The resulting parcel will include approximately 114 acres. The property is located in the Agriculture land use category at 3995 Buena Vista Drive north of and abutting the City of Paso Robles. The parcel is in the Salinas River Planning Area.			
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows: <p style="margin-left: 40px;"> Preserve Designation: Estrella Agricultural Preserve No. 9 Amendment No. 2 Minimum Parcel Size: 40 Acres Minimum Term of Contract: 10 years </p>			
ENVIRONMENTAL DETERMINATION A Categorical Exemption (Class 17) was issued on April 10, 2013 (ED12-175)			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review Area	ASSESSOR PARCEL NO: 020-012-017	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves	
EXISTING USES: Irrigated vineyard, residence, agricultural accessory buildings, oak trees			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Vineyard, grazing, oaks <i>East:</i> Agriculture/ Vineyard <i>South:</i> City of Paso Robles <i>West:</i> Agriculture/ Vineyard, oaks			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary			
TOPOGRAPHY: Generally flat with drainage course along eastern boundary		VEGETATION: Oak trees	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: March 21, 2013	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242			

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PROJECT REVIEW

Background

The applicant, Woodland Trust, is requesting a lot line adjustment to transfer approximately 14 acres to a neighboring land owner to the west. The alteration of the agricultural preserve boundaries and new contracts are necessary because both parcels involved in the lot line adjustment are under separate land conservation contracts as well as different agricultural preserves and the lot line adjustment would involve new parcel boundaries and legal descriptions. The adjustment would decrease the acreage of this parcel from the current 128 acres to approximately 114 acres.

This property (APN 020-012-017) is part of Estrella Agricultural Preserve No. 9 established on 1/12/76 by Resolution 76-22. The original land conservation contract (approved by Resolution 76-201 and recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371) was terminated by nonrenewal. A new contract was entered into by the Woodlands on 12/8/98 and recorded on 12/11/98 as Document No. 1998-082542. A previous lot line adjustment resulted in an amendment to this original contract (Resolution 2003-458). A portion of Estrella Agricultural Preserve No. 9 was annexed into the city of Paso Robles. The Agricultural Preserve includes another Woodland parcel (APN 020-012-018), however this parcel is not under a land conservation contract and is not part of the current lot line adjustment.

The neighboring Patricia Diane Vineyards property (APN: 020-311-030), the property to be expanded, is in Estrella Agricultural Preserve No. 10 established on 2/17/76 by Resolution No. 76-171 (APZ751205:1). The southeastern corner of Estrella Agricultural Preserve No. 10 was subsequently annexed into the city of Paso Robles. The parcel is under a land conservation contract recorded on 2/26/76 as Document No. 6987, Book 1881 Page 355 through 371, inclusive.

Site and Area Characteristics

The 14 acres proposed for conveyance to the neighboring parcel is entirely comprised of non-irrigated Class 4 soil, according to the Natural Resources Conservation Service soils survey. The existing 128 Woodland parcel is currently planted in approximately 92 acres of irrigated vineyard on Class 2 irrigated and Class 4 irrigated soil. The land to be conveyed is not currently used for agricultural purposes since most of it serves as a home site, barn and corrals.

The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Vineyard	Fallow / Oak Woodland	Building Site	Acres
If Irrigated	Non-Irrigated				
2*	4	64	8	4	76
4	4	28	NA	NA	28
7	7	NA	10	NA	10
TOTALS		92	18	4	114

*from NRCS Soils Survey book/data used when original contract was entered into.

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Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Compliance with the Williamson Act and the Rules of Procedure to Implement the Land Conservation Act of 1965

Criteria for Establishing an Agricultural Preserve

Although the property is already under an agricultural preserve, it is appropriate to review the property's eligibility, since the agricultural preserve is being reduced in size by 14 acres. The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The applicant's proposed 114 acres exceeds the 40 acres *gross acreage* necessary to qualify as a prime land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land *under production* (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture). The proposed parcel will easily meet the requirement for a minimum of 40 acres under production with 92 acres planted in irrigated vineyards -- a perennial crop that produces an average annual gross value in excess of \$1,000 or more per acre in full commercial bearing. The property meets current criteria for establishing an agricultural preserve, based on the recognized high value of irrigated vineyard on non-prime soils, and the income and value criteria under Section B. 1.b.(2)(b) of the Rules of Procedure to Implement the Land Conservation Act of 1965.

Qualifying for a Land Conservation Contract

A property must also meet the eligibility requirement of 20 acres of irrigated vineyard on Class 3, 4, 6, or 7 soils to qualify for a land conservation contract and does so with approximately 92 acres of irrigated vineyard on Class 2 & 4 soils. (Table 1 Section B. 1.c).

Complying with the Williamson Act

Williamson Act, Government Code Section 51257, sets forth criteria allowing for but limiting the exchange of land through lot line adjustment. The criteria (and intent) limit lot line adjustments involving exchanges of non-contracted and contracted land to ensure that like amounts and quality of soils are exchanged to protect agricultural resources generally and to protect higher quality agricultural resources specifically.

This lot line adjustment, the attendant agricultural preserve amendments and new replacement land conservation contracts involve the reduction in size of the Woodland parcel and the enlargement of the Patricia Diane Vineyard, LLC parcel. Since both properties are currently under contract and both resulting parcels have sufficient irrigated vineyard to re-qualify under current eligibility criteria, the intent of the Williamson Act will continue to be met.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting parcels will consist of at least 90 percent (in this case 100%) of

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the contracted land remaining under contract. Overall, there will be no net loss of land under contract. (This section of the Government Code is focused on the equal exchange of contracted and non-contracted land, however it is still necessary to do this analysis and make the required findings.)

Because the property is planted in irrigated vineyard the appropriate minimum parcel size is 40 acres.

The appropriate term for the new contract is 10 years because the property is located less than 1 mile from the urban reserve line of the City of Paso Robles.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on April 22, 2013 at the Veteran's Hall, 801 Grand Ave, San Luis Obispo, California, at 1:00 p.m.

Nancy Orton, Planning Department Review Committee Regular Member and Chairperson: introduces item.

Terry Wahler: presents staff report, describes the property, agricultural use and basis for eligibility. Describes the relationship between this request and the previous Patricia Diane Vineyard proposal (AGP2012-00010).

Following the discussion, Lynda Auchinachie moved to recommend to the Board of Supervisors, approval of this request to alter the boundaries of an agricultural preserve and rescind an existing land conservation contract and simultaneously enter into a new land conservation contract to reflect a lot line adjustment. Preserve Designation: Estrella Agricultural Preserve No. 9, Amendment No. 2. Minimum Parcel Size: 40 acres. Minimum Term of Contract: 10 years. This motion was seconded by Jennifer Anderson, and unanimously carried on a 12-0 vote with the Farm Bureau member being absent.

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to amend an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation:	Estrella Agricultural Preserve No. 9 Amendment No. 2
Minimum Parcel Size:	40 Acres
Minimum Term of Contract:	10 years

FINDINGS

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.

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- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- E.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F.** The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G.** The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- H.** The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I.** The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner
and reviewed by Bill Robeson, Supervising Planner
Agricultural Preserve Program